

**COPY**

# ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM DONALD MARSHALL, : CIVIL NO. 1:CV-01-0949  
Petitioner :  
vs. : (Judge Rambo)  
ROBERT L. RAIGER, Warden of :  
Lebanon County Correctional :  
Facility :  
Respondent :  
F  
HARRIS  
JUN

**RESPONDENT'S ANSWER TO PETITIONER'S  
PETITION FOR WRIT OF HABEAS CORPUS**

AND NOW, come the Respondents, by and through the Office of the District Attorney of Lebanon County and presents the following Answer to Petitioner's Petition for Writ of Habeas Corpus:

1. Admitted.
2. Admitted in part, denied in part. It is admitted that Petitioner is currently incarcerated in the Lebanon County Correctional Facility. The remainder of the paragraph is denied.
3. Admitted in part, denied in part. It is admitted that Petitioner was taken into custody by Respondent on May 8, 2001 pursuant to an Arrest prior to Requisition (Fugitive) Warrant issued by the Pennsylvania State Police based upon a Larceny Warrant lodged against Petitioner by the State of Virginia. The information was confirmed by telephone with the Virginia State police. Petitioner was afforded the opportunity to observe the

ENTERED & FILED

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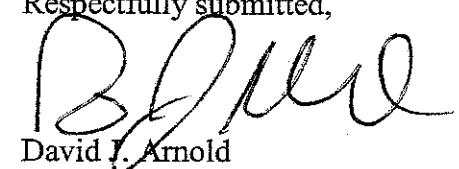
32 Admitted in part, denied in part. It is admitted that Petitioner was taken into custody by Respondent on May 8, 2001 pursuant to an Arrest prior to Requisition (Fugitive) Warrant issued by the Pennsylvania State Police based upon a Larceny Warrant lodged against Petitioner by the State of Virginia. The information was confirmed by telephone with the Virginia State police. Petitioner was afforded the opportunity to observe the

warrants lodged against him, even though the Respondent is not required by law to do so. Additionally, a hearing date was set for June 4, 2001, which was subsequently continued until June 28, 2001. The remainder of the paragraph is denied. A copy of the Pennsylvania State police Criminal Complaint and Affidavit of Probable Cause is attached as Exhibit No. 1.

4.
  - (a) Denied. However, Respondent avers that this issue is irrelevant to the matter before this Court.
  - (b) Denied. At the time Petitioner was taken into custody by the Pennsylvania State Police, he was taken before District Justice Lee Lehman and arraigned, at which time he was notified of his rights. A copy of the preliminary arraignment with Petitioner's signature acknowledging the fact that he was informed of his rights is attached as Exhibit No. 2.
  - (c) Denied. However, the Respondent avers this issue is irrelevant for the matter before this Court.
  - (d) Denied. However, the Respondent avers that this is irrelevant for the matter before this Court.
  - (e) Denied. However, Respondent avers that this is irrelevant for the matter before this Court.
5. Denied. Again, Petitioner was informed of his rights by District Justice Lehman at the time of his arraignment.
6. No response is required.

WHEREFORE, Respondent respectfully avers that he is not unlawfully detaining Petitioner and respectfully requests This Honorable Court deny Petitioner Petition for Writ of Habeas Corpus.

Respectfully submitted,



David J. Arnold  
Deputy District Attorney  
PA ID No. 78478

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: LEBANON

|  |  |   |                                    |   |
|--|--|---|------------------------------------|---|
| Magisterial District Number:   | 52-3-04  |   |                                    |   |
| District Justice Name: Hon.  | Michael SMITH  |   |                                    |   |
| Address:   | 138 W. Walnut St.<br>Cleona PA 17042                                     |   |                                    |   |
| Telephone:   | (717) 273-0885   |   |                                    |   |
| Docket No.:  | 05-90-01   |   |                                    |   |
| Date Filed:  | May 8, 2001  |   |                                    |   |
| OTN:   | H 315919-2   |   |                                    |   |
| Defendant's Race/Ethnicity   | Defendant's Sex  | Defendant's D.O.B.                              | Defendant's Social Security Number | Defendant's SID                         |
| <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black<br><input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown | <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male | 11/23/39  | 214427519                          |   |
| Defendant's A.K.A.   |  | Defendant's Vehicle Information:                |                                    |   |
| Willie MARSHALL  |  | PLATE NUMBER<br>YDX3650                         | STATE<br>VA                        | REGISTRATION STICKER<br>(MMYY)<br>11/01 |
| Complaint/Incident Number<br>L2-0707545  |  | Complaint/Incident Number if other Participants |                                    |   |
|  |  | UCB/NIBRS Code<br>260                           |                                    |   |

POLICE  
CRIMINAL COMPLAINT

## COMMONWEALTH OF PENNSYLVANIA

VS.

## DEFENDANT:

NAME and ADDRESS  
 William Donald Marshall  
 PO Box 578  
 Onancock, VA 23417

5 b6  
 Called into  
 George At  
 Smiths office  
 PAP

District Attorney's Office  Approved  Disapproved because:  
 (The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing.  
 Pa.R.Cr.P. 107)

(Name of Attorney for Commonwealth - Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

I, TPR. Franklin D. LINN Jr. / 6502  
 (Name of Affiant - Please Print or Type)  
 of, the Pennsylvania State Police PAPSP430  
 (Identify Department or Agency Represented and Political Sub-division)  
 (Police Agency ORI Number)  
 do hereby state: (check the appropriate box)

(Officer Badge Number/L.D.)

(Organizing Agency Case Number (OAC))

- I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as  
 I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe  
 with violating the penal laws of the Commonwealth of Pennsylvania at

I-81 southbound at I-78 split, Union Twp.in Lebanon County on or about 05/08/01 at 1423 hrs.

Participants were: (If there were participants, place their names here, repeating the name of the above defendant)

## 2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient, in a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

## ARREST PRIOR TO REQUISITION (FUGATIVE FROM JUSTICE-UNIFORM EXTRADITION ACT)

In that the defendant is wanted by the Commonwealth of Virginia on a criminal warrant for Larceny. The actions are punishable by law and the defendant is a fugitive from justice. The defendant is entered into NCIC databases by this agency under NIC/W190481947. A Hit Confirmation response was sent to that agency and their response indicated that this warrant is still active under their OCA/00250654.

(Continuation of No. 2)

Defendant's Name: William Donald MARSHALL

Docket Number:



**POLICE  
CRIMINAL COMPLAINT**

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

|    |                   |              |                                      |              |
|----|-------------------|--------------|--------------------------------------|--------------|
| 1. | 9134<br>(Section) | (Subsection) | of the<br>42 PA C.S.<br>(PA Statute) | 1<br>(Count) |
| 2. | (Section)         | (Subsection) | of the<br>(PA Statute)               | (Counts)     |
| 3. | (Section)         | (Subsection) | of the<br>(PA Statute)               | (Counts)     |
| 4. | (Section)         | (Subsection) | of the<br>(PA Statute)               | (Counts)     |

I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA.C.S.A 4904) relating to unsworn falsification to authorities.

TPR/BS/1-21-01  
(Signature of Attorney)

AND NOW, on this date May 8, 2001, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

52-3-05  
(Signature of Attorney)

Lee Marshall  
(Signature of Attorney)

SEAL

Defendant's Name: William Donald MARSHALL

Docket Number:



**POLICE  
CRIMINAL COMPLAINT**

**AFFIDAVIT of PROBABLE CAUSE**

On 05/08/01 at 1415 hrs. this officer was dispatched to a reported motor vehicle collision on I-81 southbound at the I-78 split in Union Twp., Lebanon Co. Upon arrival at 1423 hrs. this officer located two vehicles parked along the south berm of I-81, a 1997 Freightliner and a 1986 Ford Aerostar van, VA Reg: YXD-3650 both with moderate damage. This officer then spoke with both operators and obtain their driver's license, vehicle registration and insurance information. The defendant handed this officer a VA driver's license that identified him as William Donald MARSHALL, PO Box 578 Onancock VA 23417, DOB 11/23/39.

When this officer advised station to run the operator's information to confirm that all information was valid, station advised that a Hit was received through CLEAN/NCIC advising that the defendant was wanted by the Commonwealth of Virginia on a criminal warrant for Larceny. The name, date of birth, description and alias social security number matched. The defendant was entered under NIC/W190481947 and that the defendant was entered by that Virginia under their OCA/NO-00250654.

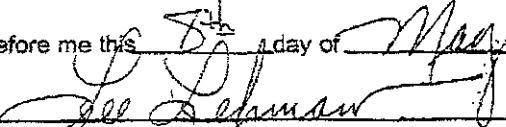
This officer took the defendant into custody and transported him back to PSP-Jonestown. There this officer received a positive Hit Confirmation through CLEAN/NCIC. This officer also verified the confirmation verbally with Tpr. R.A. MORRIS of the Virginia State Police. Copies of the warrants out of Virginia were faxed to this officer.

I, Tpr. Franklin D. LINN Jr., BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

(Signature of Affiant)

Sworn to me and subscribed before me this 8<sup>th</sup> day of May, 2001

5-8-01 Date

 , District Justice

My commission expires first Monday of January, 2006.

SEAL

2001 DISTRICT COURT DOCKET 00270120

JUN 7 2001 11:19 P.M.



228 East Auch St  
Shamokin, PA 17872  
PRELIMINARY ARR AIGNMENT

Docket #

Defendant's Name: William Donald Marshall Prosecutor: Dr. Franklin Linn  
 Address: 228 East Auch St., Shamokin, PA 17872  
 Date: May 8 2001 Time: 19:15 PM  
 Charge: 3 Felonies - 5 Misdemeanors

With Counsel

Without Counsel Defendant advised of rights to remain silent and to counsel?  YesAdvised of the right to a Preliminary Hearing or waive it to court?  YesAmount of Bail required: \$100,000.00 One Hundred Thousand Type of Bail accepted: Nominal Cash  Property  BondIf waived to court, waiver endorsed on complaint.  N/AIf not waived to court, date and time set for Preliminary Hearing: 6-4-01Was there a sworn statement taken from defendant  No

Remarks: Daughter-In-Law Carol Harris  
570-648-0543

## AFFIDAVITS OF RIGHTS

I, the within named Defendant, acknowledge that I have been informed of my right to bail, of the nature of the bail, how I may secure bail and, if I so desire, to select a bail bondsman of my choice providing the bondsman is licensed in the herein named county and have been given the opportunity to secure bail; I have been told of my rights to have my own lawyer, or how to apply to the Court for a lawyer if I cannot afford to have my own lawyer; I have been told of my right to remain silent and that anything I may say will be held against me in Court; I have been told of my right to a Preliminary Hearing if I desire to have one.

\_\_\_\_\_  
Attorney for the Defendant\_\_\_\_\_  
Defendant\_\_\_\_\_  
Date

If, after reading the above affidavit to the Defendant, the Defendant elects to not sign the affidavit of rights, the issuing authority shall sign and date the affidavit as testimony the affidavit was read and explained to the defendant.

\_\_\_\_\_  
Signature of Issuing Authority\_\_\_\_\_  
Date

## WAIVER OF COUNSEL

And now, this date, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, after having been advised of my rights to remain silent, how I may secure bail and having been further informed that any statement made by me may be used against me and that I may be represented by a lawyer at these or any future proceedings. Believing I am of sound mind and mentally competent, I voluntarily and knowingly waive my right to counsel at this \_\_\_\_\_ preliminary arraignment \_\_\_\_\_ preliminary hearing \_\_\_\_\_ trial.

\_\_\_\_\_  
Witness\_\_\_\_\_  
Title\_\_\_\_\_  
Defendant\_\_\_\_\_  
Date

T 19:15 " "